

Message Text

CONFIDENTIAL

PAGE 01 MANILA 12783 240250Z

71

ACTION L-03

INFO OCT-01 EA-07 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01

TRSE-00 ACDA-07 /062 W

----- 098662

R 240043Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9295

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L MANILA 12783

FROM USDEL 221

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS/ MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: ADMISSION AND DEPARTURE
OF US PERSONNEL

REF: (A) STATE 205530, DTG 182143Z AUG 76

(B) MANILA 11298, US DEL 167, DTG 301050Z JUL 76

1. US REPS IN LEGAL WORKING GROUP REVIEWED SUGGESTED CHANGES
PER REFTEL A WITH RP REPS ON THE ARTICLE ON ADMISSION AND
DEPARTURE OF US PERSONNEL. FOLLOWING DISCUSSIONS KEYED TO
PARAS IN REFTEL A.

2. RE PARA 2, REFTEL A: ASSUMPTION CORRECT. PARA 2 BEGINS
WITH "SUBJECT TO..."

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 12783 240250Z

3. RE PARA 3, REFTTEL A: WORD "AGREEMENT" USED IN LIEU OF WORD "ARTICLE" AS PROVISIONS ON ISSUE OF FORCE LEVEL COULD HAVE EFFECT ON ADMISSION OF PERSONNEL AS WELL AS ARTICLE CONTAINING DEFINITIONS. IF IT IS FINALLY DETERMINED THAT NONE OF THE PROVISIONS OF THE AGREEMENT ARE RELEVANT TO THE ARTICLE IN QUESTION, BELIEVE RP REPS WOULD AGREE TO THE CHANGE SUGGESTED.

4. RE PARA 4, REFTTEL A: ASSUMPTION IS CORRECT. THE TERM "MEMBER OF US FORCES" IS MEANT TO INCLUDE ALL US MILITARY PERSONNEL AND FINAL TERM USED WILL DEPEND ON "DEFINITIONS" ARTICLE. THIS IS FULLY UNDERSTOOD BY RP REPS. AS TO CIVILIAN PERSONNEL, THIS TERM AGAIN WILL DEPEND ON DEFINITIONS ARTICLE BUT MAY BE LIMITED TO US CIVILIAN PERSONNEL ASSOCIATED WITH US ARMED FORCES. THEREFORE TO INSURE OTHER NON-DEFENSE CONNECTED US GOVERNMENT EMPLOYERS COULD TEMPORARILY ENTER CLARK ON OFFICIAL BUSINESS; US REPS INCLUDED PARA 2(F). IF DEFINITIONS MAKE THIS DISTINCTION UNNECESSARY, IT CAN BE DELETED, BUT US REPS BELIEVED IT WOULD BE EASIER TO DELETE REDUNDANT CLAUSES THAT ATTEMPT TO ENLARGE CATAGORIES AT A LATER TIME.

5. RE PARA 5, REFTTEL A: APPRECIATE WASHINGTON CONCERNS AND RP REPS UNDERSTAND THE PROBLEM. HOWEVER, BECAUSE OF THE DIFFERENT PROCEDURES USED BY RP BETWEEN EXCLUDING AN ALIEN WHO HAD NEVER BEEN FORMALLY ADMITTED AND DEPARTING AN ALIEN WHO HAD BEEN ADMITTED, THEY REQUESTED THE CLAUSE SPECIFYING THAT INDIVIDUALS DENIED A VISA AT PORT OF ENTRY BE "TEMPORARILY ADMITTED" PENDING CONSULTATION, BE DELETED. IT WAS AGREED THAT THIS COULD BE HANDLED BY NOT SPECIFICALLY STATING THAT THEY WOULD BE " "TEMPORARILY ADMITTED" BUT STILL REQUIRING CONSULTATIONS. THE AGREED AD REFERENDUM REDRAFT OF PARA 3B WOULD READ: QUOTE: (B) UNITED STATES CIVILIAN EMPLOYEES STATIONED IN THE PHILIPPINES PURSUANT TO THIS AGREEMENT AND THEIR DEPENDENTS AND U.S. CIVILIAN EMPLOYEES COMING TO THE PHILIPPINES ON OFFICIAL BUSINESS OF A TEMPORARY NATURE IN CONNECTION WITH THE FACILITIES, AND DEPENDENTS OF MEMBERS OF THE UNITED STATES FORCES STATIONED IN THE PHILIPPINES SHALL POSSESS PASSPORTS, VISAS AND ORDERS ISSUED BY THE APPROPRIATE MILITARY AUTHORITIES. SUCH PERSONS MAY HOWEVER, OBTAIN CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANILA 12783 240250Z

VISAS AT THE LIMITED PORTS OF ADMISSION UPON ARRIVAL. IF PHILIPPINE AUTHORITIES DENY A VISA TO ANY SUCH PERSON UPON ARRIVAL BECAUSE HE IS NOT ENTITLED TO ENTER THE PHILIPPINES UNDER PHILIPPINE IMMIGRATION LAW, THE PHILIPPINE BASE COMMANDER WILL INFORM THE U.S. FACILITIES COMMANDER OF SUCH DENIAL. THE U.S. FACILITIES COMMANDER MAY REQUEST CONSULTATIONS ON THE MATTER. IF NO SUCH REQUEST IS PROMPTLY MADE, OR AFTER CONSULTATIONS PHILIPPINE AUTHORITIES CONTINUE

TO DENY A VISA, THE U.S. AUTHORITIES RECOGNIZE THEIR OBLIGATION UNDER PARA 5 OF THIS ARTILCE. END QUOTE.

US REPS BELIEVE THAT ABOVE ADEQUATELY COVERS US CONCERNS IN THIS AREA AND REQUESTS APPROVAL.

6. RE PARA 6, REFTTEL A: RP REPS CONCURRED WITH DELETION OF PARA 3 (D).

7. RE PARA 7, REFTTEL A: ASSUMPTION CORRECT.

8. RE PARA 8, REFTTEL A: RP REPS APPRECIATED OUR INABILITY TO ASSUME RESPONSIBILITY FOR DEPARTURE OF US CIVILIANS BUT ALSO STATED THEY NEEDED (PERHAPS FOR COSMETIC PURPOSES), ASSURANCE OF US COOPERATION. THEREFORE, THE FOLLOWING WORKING WAS AGREED UPON, AD REFERENDUM FOR PARA 5, REFTTEL B. QUOTE: IF THE PHILIPPINES REQUESTS THE REMOVAL OF ANY PERSON WHO IS IN THE PHILIPPINES BECAUSE OF THIS AGREEMENT, INCLUDING ANY PERSON WHO MAY HAVE BEEN ADMITTED THROUGH THE ABOVE MENTIONED LIMITED PORTS OF ADMISSION AND DEPARTURE, THE UNITED STATES SHALL PROVIDE TRANSPORTATION FROM THE PHILIPPINES FOR SUCH PERSON AND HIS DEPENDENTS, ASSUME RESPONSIBILITY FOR THE DEPARTURE OF MEMBERS OF THE US ARMED FORCES, AND WITHIN THE LIMITS OF U.S. AUTHORITY, ASSIST PHILIPPINE AUTHORITIES IN THE REMOVAL OF CIVILIANS. END QUOTE.

9. RE PARA 9, REFTTEL A: IN DELETING CLAUSE REQUESTED, RP VOICED SAME CONCERNS AS STATED IN PARA 8 ABOVE. THEREFORE, A SLIGHT MODIFICATION OF THE WORDING OF PARA WAS MADE WITHOUT CHANGING THE SUBSTANCE OF THE PARAGRAPH. THE FOLLOWING IS THE AGREED AD REFERENDUM WORDING FOR PARA 6, REFTTEL B.

QUOTE: 6. IF THE STATUS OF ANY PERSON ADMITTED TO THE PHILIPPINES PURSUANT TO THIS AGREEMENT IS ALTERED, THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 MANILA 12783 240250Z

UNITED STATES SHALL NOTIFY THE PHILIPPINES SO THAT A CHANGE IN STATUS MAY BE EFFECTED. WHERE THE STATUS OF ANY PERSON IS ALTERED OR TERMINATED AND WHO, UPON FIRST APPLICATION, IS DENIED PERMISSION TO REMAIN IN THE PHILIPPINES, THE PROVISIONS OF PARA 5 OF THIS ARTICLE WILL APPLY AND THE U.S. SHALL, PENDING SUCH DEPARTURE, PREVENT HIS BECOMING A PUBLIC RESPONSIBILITY OF THE PHILIPPINES. END QUOTE.

10. ALL OTHER PROVISIONS OF THE ARTICLE REMAIN AS REPORTED IN REFTTEL B.

11. ACTION REQUESTED: APPROVAL OF THE REDRAFTED WORDING FOR PARA 3B, 5, AND 6 ASAP.
SULLIVAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, PERSONNEL, NEGOTIATIONS, MILITARY BASE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MANILA12783
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760322-0808
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760826/aaaaavux.tel
Line Count: 168
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 205530, 76 MANILA 11298
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 04 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 MAR 2004 by morefirh>; APPROVED <05 OCT 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PHILIPPINE BASE NEGOTIATIONS: ADMISSION AND DEPARTURE OF US PERSONNEL
TAGS: MARR, RP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006